

REMARKS

In the final Office Action, the Examiner rejected claims 1, 3, 7, 14, 16-24, and 26-31 under 35 U.S.C. § 102(e) as anticipated by Gailey et al. (U.S. Patent Publication No. 2005/0027591); and rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as unpatentable over Gailey et al. in view of Berkan et al. (U.S. Patent Publication No. 2003/0074353). The Examiner objected to claims 12 and 13 as dependent upon a rejected base claim, but indicated that claims 12 and 13 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claim.

By this Amendment, Applicants propose amending claims 1, 4, 11, 14, 19-21, 27, 28, and 31 to improve form. No new matter has been added. Support for the claim amendments to claims 1, 19, and 20 can be found at, for example, paragraphs 0031-0033, 0046, and 0047. Support for the claim amendments to claim 27 can be found at, for example, paragraphs 0031-0033. Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102 and 103 with regard to the claims presented herein. Claims 1, 3-14, 16-24, and 26-31 remain pending.

REJECTION UNDER 35 U.S.C. § 102 BASED ON GAILEY ET AL.

In paragraph 3 of the final Office Action, the Examiner rejected claims 1, 3, 7, 14, 16-24, and 26-31 under 35 U.S.C. § 102(e) as allegedly anticipated by Gailey et al. Applicants respectfully traverse the rejection with regard to the claims presented herein.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the

claim. See M.P.E.P. § 2131. Gailey et al. does not disclose or suggest the combination of features recited in claims 1, 3, 7, 14, 16-24, and 26-31.

Amended independent claim 1, for example, is directed to a method that comprises receiving a search query; determining a geographic location associated with the query; determining a topic associated with the query; determining a location sensitivity score that corresponds to a geographic range associated with the topic; determining topical scores for a set of documents based, at least in part, on the query; determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query; and ordering the set of documents as a function of both the topical scores for the set of documents and the distance scores for the set of documents.

Gailey et al. does not disclose or suggest the combination of features recited in amended claim 1. For example, Gailey et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query. In fact, Gailey et al. does not disclose or remotely suggest determining a topic associated with a query. Thus, Gailey et al. cannot disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query, as recited in claim 1.

The Examiner alleged that Gailey et al. discloses determining a location sensitivity score and cited paragraphs 0078 and 0081 of Gailey et al. for support (final Office Action, pages 2-3). Applicants disagree with the Examiner's interpretation of Gailey et al.

At paragraph 0078, Gailey et al. discloses:

By way of example only, lets say that a respective user of the remote terminal 12 wants to

obtain business information related to determining the location of a favorite local fast-food restaurant. As such, the user's vocal response that is received by the remote terminal 12 might contain a voice signal that includes a request for business information that could be phrased something along the lines of the following statement: "What is the address of a Burger King restaurant that is close to my present location?" As previously set forth, this preferred embodiment of the present invention is capable of interpreting this request using natural language processing applications to generate a structured response.

In this section, Gailey et al. discloses that a user can verbally request business information, such as the location of a favorite local fast-food restaurant. Nowhere in this section, or elsewhere, does Gailey et al. disclose or suggest determining a topic associated with a query. Thus, Gailey et al. cannot disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query, as recited in claim 1. Instead, Gailey et al. simply discloses a local search that determines the location of the user and finds search results that are geographically near that location (paragraph 0081).

At paragraph 0081, Gailey et al. discloses:

As set forth in detail above, the remote terminal 12 also sends a remote terminal identifier with the vocal response that is preferentially integrated in some manner with the structured business request that is ultimately generated and sent to the location-based application server 28. In addition, in this preferred embodiment of the present invention as well as others, a geographic indicator and a remote terminal identifier associated with the respective remote terminal 12 making the structured business request is also obtained or has already been obtained by the location-based application server 28. As illustrated in FIG. 2, the geographic indicator and the structured business request are used by the business/services finder application 62 to generate a structured business response that is responsive to the structured business request. In our current example, the preferred business/services finder application 62 uses the geographic indicator of the remote terminal 12 to determine which particular Burger King location is closest to remote terminal 12. A mapping routine within the business/services finder application 62 compares the geographic location of the remote terminal 12 with the respective geographic locations of Burger King restaurants retrieved by the structured business request and makes the determination of which location is closest to the remote terminal 12, which can be based on the distance of the remote terminal 12 from each respective location. As illustrated in FIG. 2, this is accomplished by a data access routine 64 that accesses the appropriate information from the business data files 56, which preferentially contains a database of business listings, addresses, products and/or services provided.

In this section, Gailey et al. discloses a business/services finder application that obtains a

geographic indicator associated with a remote terminal, and uses the geographic indicator to determine which business (e.g., Burger King) is closest to the remote terminal by comparing the geographic location of the remote terminal with the respective geographic locations of the businesses. Nowhere in this section, or elsewhere, does Gailey et al. disclose or suggest determining a topic associated with a query. Thus, Gailey et al. cannot disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query, as recited in claim 1.

The Examiner alleged that the term "location sensitivity score" is not defined in the specification so the term is given its broadest reasonable interpretation, which the Examiner alleged is equivalent to the distance between a user and a business location (final Office Action, page 10). Applicants submit that the Examiner's allegations lack merit. Applicants' specification defines the location sensitivity score as a measure of location sensitivity (specification, paragraph 0047). Applicants' specification clearly defines location sensitivity as a measure of relevance of geographically-based search results to a topic associated with a query (specification, paragraph 0031). Applicants' specification describes, at length, how location sensitivity can be determined (specification, paragraphs 0031-0033, 0046, and 0047). With this clear definition in Applicants' specification, it is uncertain how the Examiner can simply assign any definition that the Examiner desires to the term location sensitivity score.

Further, Applicants submit that the definition that the Examiner decided to assign to location sensitivity score is unreasonable. Applicants' specification clearly discloses a distance (d) as a distance between a location associated with a document and a location associated with a search query (specification, paragraph 0043). At no point does Applicants' specification disclose

that the distance (d) is equivalent to the location sensitivity score. In fact, Applicants' specification clearly discloses that the location sensitivity score and the distance (d) are different (see, e.g., specification, paragraph 0047).

In fact, it would be unreasonable to interpret the distance (d) as equivalent to the location sensitivity score in claim 1. Claim 1 recites that a distance score is based on (1) the location sensitivity score and (2) a distance between a geographic location associated with a document and a geographic location associated with a query. By equating the distance (d) and the location sensitivity score, the Examiner is basically giving no weight to either the location sensitivity score or the distance between a geographic location associated with a document and a geographic location associated with a query. The Examiner cannot simply ignore features in a claim so as to make a prior art rejection seem reasonable. In this case, the Examiner has not established a proper case of anticipation with regard to claim 1.

The Examiner further alleged that "[i]n order to determine geographic range (distance) from a user to a desired destination, topic of the query, for instance the name of restaurant or some other service, has to be considered in order to find the distance to the desired location, not just any destination" (final Office Action, page 11). Applicants submit that the Examiner's allegation lacks merit. Gailey et al. does not disclose or remotely suggest determining a topic associated with a search query, as recited in claim 1. Even assuming, for the sake of argument, that Gailey et al. discloses determining the name of the business or service included in a search query and that this business/service name could be reasonably equated to a topic, as that term is well understood in the art (points that Applicants do not concede), Gailey et al. does not disclose or remotely suggest determining a location sensitivity score that corresponds to a geographic

range associated with the name of the business or service, as would be required based on the Examiner's interpretation of claim 1. Thus, the Examiner's allegation is flawed.

Because Gailey et al. does not disclose or suggest determining a location sensitivity score that corresponds to a geographic range associated with a topic associated with a query, Gailey et al. cannot disclose or suggest determining a distance score for each document in the set of documents based, at least in part, on the location sensitivity score and a distance between a geographic location associated with the document and the geographic location associated with the query, as further recited in claim 1.

The Examiner alleged that "distance score and location sensitivity score are nearly equivalent, since they both are associated with the query, and since the examiner interpreted the location score as a distance between the user requesting location of a specification destination (query) and the location of the destination itself (location of the document), it appears that the distance score is established based on the same criteria" (final Office Action, pages 10-11). Applicants submit that the Examiner's allegation is based on a flawed assumption regarding the location sensitivity score and, thus, lacks merit for at least reasons similar to the reasons given above.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Gailey et al. Claims 3, 7, 14, and 16-18 depend from claim 1 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 1.

Amended independent claims 19, 20, and 22 recite features similar to (yet possibly different in scope from) features recited in claim 1. Claims 19, 20, and 22 are, therefore, not anticipated by Gailey et al. for at least reasons similar to reasons given with regard to claim 1.

Claim 21 depends from claim 20 and is, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 20. Claims 23, 24, and 26 depend from claim 22 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 22.

Amended independent claim 27 is directed to a system that comprises at least one server configured to receive a search query, determine a topic associated with the search query, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to the topic, identify a set of documents based, at least in part, on the search query, determine a geographic location associated with each document in the set of documents, and score a document in the set of documents based, at least in part, on the geographic location associated with the document and the location sensitivity data.

Gailey et al. does not disclose or suggest the combination of features recited in amended claim 27. For example, Gailey et al. does not disclose or suggest at least one server that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query. In fact, Gailey et al. does not disclose or remotely suggest determining a topic associated with a query. Thus, Gailey et al. cannot disclose or suggest at least one server that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query, as recited in claim 27.

Gailey et al. discloses a business/services finder application that obtains a geographic indicator associated with a remote terminal, and uses the geographic indicator to determine which business (e.g., Burger King) is closest to the remote terminal by comparing the geographic location of the remote terminal with the respective geographic locations of the businesses.

Nowhere does Gailey et al. disclose or suggest determining a topic associated with a query.

Thus, Gailey et al. cannot disclose or suggest at least one server that is configured to, among other things, determine location sensitivity data that reflects a measure of relevance of geographically-based search results to a topic associated with a query, as recited in claim 27.

For at least these reasons and the additional reasons given with regard to claim 1, Applicants submit that claim 27 is not anticipated by Gailey et al.

Amended independent claim 28 is directed to a method that comprises analyzing a target document to identify a topic for the target document and a geographic location associated with the target document; identifying targeting information for a plurality of advertisements; comparing the targeting information to the topic to identify a set of potential advertisements; determining a distance score for at least one advertisement in the set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and the geographic location associated with the target document; ordering the set of potential advertisements based, at least in part, on the distance score of the at least one advertisement; and presenting at least some of the ordered set of potential advertisements within the target document.

Gailey et al. does not disclose or suggest the combination of features recited in claim 28. For example, Gailey et al. does not disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document.

The Examiner alleged that Gailey et al. discloses determining a distance score for at least

one advertisement in the set of potential advertisements using an advertiser location associated with the one advertisement and the location associated with the target document and cited paragraph 81, lines 18-20, of Gailey et al. for support (final Office Action, pages 5-6).

Applicants submit that Gailey et al. provides absolutely no support for the Examiner's allegation.

At paragraph 81, lines 18-20, Gailey et al. discloses:

In our current example, the preferred business/services finder application 62 uses the geographic indicator of the remote terminal 12 to determine which particular Burger King location is closest to remote terminal 12.

In this section, Gailey et al. simply discloses determining which Burger King location is closest to the remote terminal using a geographic indicator. Nowhere in this section does Gailey et al. disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as recited in claim 28. Instead, Gailey et al. discloses determining a distance from a business location to a remote terminal.

The Examiner alleged that Gailey et al. discloses including an advertisement with the most relevant matches in paragraph 0097, and that the location/distance score is based on the location of the desired destination accompanied by advertisements, hence the distance/location is not only determined solely for the desired destination but also for the advertisement associated with the business (final Office Action, pages 11-12). Applicants disagree with the Examiner's allegations.

In paragraph 0097, Gailey et al. discloses that matches to a consumer's search for products will include special offers or deals that are used by advertisers to attract potential consumers to purchase products or services or visit their business locations. Contrary to the

Examiner's allegation, simply because Gailey et al. discloses that special offers or deals can be provided with matches to a consumer's search for products, does not mean that Gailey et al. determines distance scores for these special offers or deals. In fact, nowhere in the above-identified section, or elsewhere, does Gailey et al. disclose or remotely suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as recited in claim 28.

Even assuming, for the sake of argument, that a business listing itself (e.g., Burger King) could be reasonably equated to an advertisement (a point that Applicants do not concede), nowhere does Gailey et al. disclose or remotely suggest determining a distance score for the business listing using the geographic location of the business listing and a geographic location associated with a target document, as would be required based on this interpretation of claim 28. In fact, Gailey et al. discloses nothing similar to the geographic location of a target document. Instead, Gailey et al. simply discloses the geographic location of a remote terminal (paragraph 0075). Thus, Gailey et al. cannot disclose or suggest determining a distance score for at least one advertisement in a set of potential advertisements using a geographic location of an advertiser associated with the one advertisement and a geographic location associated with a target document, as recited in claim 28.

Gailey et al. also does not disclose or suggest ordering the set of potential advertisements based, at least in part, on the distance score of the at least one advertisement, as further recited in claim 28. The Examiner alleged that Gailey et al. discloses this feature and cited paragraph 0073 of Gailey et al. for support (final Office Action, page 6). Applicants submit that Gailey et al.

provides no support for the Examiner's allegation.

At paragraph 0073, Gailey et al. discloses organizing information presented to a user based on the address of the people identified by the residential finder application. Nowhere in this section does Gailey et al. even mention advertisements, let alone ordering a set of potential advertisements based, at least in part, on the distance score of the at least one advertisement, as recited in claim 28.

For at least these reasons, Applicants submit that claim 28 is not anticipated by Gailey et al. Claims 29 and 30 depend from claim 28 and are, therefore, not anticipated by Gailey et al. for at least the reasons given with regard to claim 28.

Amended independent claim 31 recites features similar to (yet possibly different in scope from) features recited in claim 28. Claim 31 is, therefore, not anticipated by Gailey et al. for at least reasons similar to reasons given with regard to claim 28.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 7, 14, 16-24, and 26-31 based on Gailey et al.

REJECTION UNDER 35 U.S.C. § 103 BASED ON GAILEY ET AL. AND BERKAN ET AL.

In paragraph 5 of the final Office Action, the Examiner rejected claims 4-6 and 8-11 under 35 U.S.C. § 103(a) as allegedly unpatentable over Gailey et al. in view of Berkan et al. Applicants respectfully traverse the rejection.

Claims 4-6 and 8-11 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 4-6 and 8-11, Applicants respectfully submit that the disclosure of Berkan et al. does not cure the deficiencies in the disclosure of Gailey et al. identified above with regard to claim 1. Therefore, claims 4-6 and 8-11 are patentable over Gailey et al. and Berkan et al.,

whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4-6 and 8-11 based on Gailey et al. and Berkan et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 3-14, 16-24, and 26-31 in condition for allowance. Applicants submit that this Amendment should allow for immediate action by the Examiner. Further, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is

hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: February 11, 2008

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